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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,318	03/06/2002	Dennis A. Borugian	16-069	9033

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EXAMINER

NGUYEN, HUNG T

ART UNIT PAPER NUMBER

2636

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,318

Applicant(s)

BORUGIAN, DENNIS A.

Examiner

Hung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 23-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 28-35 is/are allowed.
- 6) ☐ Claim(s) 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-25 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puma (U.S. 5,729,619) in view of Sutherland (U.S. 5,068,656).

Regarding claim 23, Puma discloses a method of disabling a vehicle when a potential theft occurs as an unauthorized person [fig.1, col.2, lines 4-17, lines 58-65 and col.5, lines 26-44] comprising:

- determining that a driver is not authorized to operate a vehicle [fig.1, col.2, lines 4-39, lines 58-65 and col.5, lines 26-44];
- disabling the vehicle [fig.1, col.2, lines 58-65 and col.5, lines 26-44].

Puma does not specifically mention determining that the vehicle has deviated from a planned route.

However, Sutherland teaches a method for monitoring and reporting out of route mileage for motor vehicles as long haul trucks (122) as program memory (206) if a driver either intentionally or unintentionally deviated from the assigned routed, the onboard processor (210) will generate

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an exception report and it will be transmitted to the dispatcher center (132) [fig.1, col.1, line 63 to col.2, line 12 and col.3, lines 12-67 and col.5, lines 40-53].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Sutherland in the system of Puma for determining that the vehicle has deviated from a planned route.

Regarding claim 24, Sutherland discloses the method for monitoring and reporting out of route mileage for motor vehicles as long haul trucks (122) as program memory (206) if a driver either intentionally or unintentionally deviated from the assigned route, the onboard processor (210) will generate an exception report and it will be transmitted to the dispatcher center (132) [fig.1, col.1, line 63 to col.2, line 12 and col.3, lines 12-67 and col.5, lines 40-53].

Regarding claim 25, Puma discloses the method of disabling a vehicle when a potential theft occurs as an unauthorized person comprises a projector of image (18), a sensor (12) itself is preferably a broad band CCD array which provides a digital signal representing the pixelized image of the operator's eyes to the processor (14) which may include a picture of the driver as desired [col.6, line 23-35].

Regarding claim 27, Puma does not specifically mention the disabling comprises deflating a tire of the vehicle as claimed by the applicant.

Puma discloses the method of disabling a vehicle when a potential theft occurs as an unauthorized person [fig.1, col.2, lines 4-17, lines 58-65 and col.5, lines 26-44] comprising:

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disabling the vehicle in a safe way such as shutting off the engine when the vehicle comes to stop, or disrupting fuel so as to fake an empty fuel tank causing the unauthorized driver to pull over [fig.1, col.2, lines 58-65 and col.5, lines 26-44].

Therefore, those skilled in the art will recognize that as long as the method of disabling a vehicle can be any well known technique as mention above to stop a vehicle for safety when a potential theft occurs not just deflating a tire.

3. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puma (U.S. 5,729,619) in view of Sutherland (U.S. 5,068,656) further in view of Johnson (U.S. 5,986,543).

Regarding claim 25, The combination of Puma & Sutherland is still missing the method comprising a picture of the driver.

Johnson teaches a security system for protecting a vehicle from theft includes a camera device (233) is equipped inside the vehicle to obtain an image of the driver of the vehicle (200) which to verify that the driver of the vehicle is an authorized driver [figs.2,6, col.6, lines 24-41].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Sutherland and Johnson includes a camera device in the system of Puma to verify that the driver of the vehicle is an authorized driver.

Regarding claim 26, The combination of Puma & Sutherland is still missing the method comprising transmitting the picture of the driver to a central control.

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Johnson teaches a security system for protecting a vehicle from theft includes a camera device (233) is equipped inside the vehicle to obtain an image of the driver of the vehicle (200) and the picture of the driver can be transmitted by a radio signal (201) to a central monitoring station which to verify that the driver of the vehicle is an authorized driver [figs.2,6, col.6, lines 24-41].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Sutherland and Johnson includes a camera device in the system of Puma to verify that the driver of the vehicle is an authorized driver.

Allowable Subject Matter

4. Claims 28-35 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hertel (U.S. 5,532,690) Apparatus and method for monitoring and bounding the path of a ground vehicle.
- Bergholz et al. (U.S. 5,812,067) System for recognizing authorization to use a vehicle.
- Gilmour (U.S. 6,114,960) Method and apparatus for an integrated security device providing for automatic disablement.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in cursive script, appearing to read "Hung T. Nguyen".

Examiner: Hung T. Nguyen

Date: Dec. 23, 2003